

# **EXHIBIT A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Emalfarb et al.  
Serial No. : 08/731,170 Group Art Unit : 1652  
Filed : October 10, 1996 Examiner : K. Lau  
For : NOVEL CELLULASE COMPOSITIONS AND METHODS OF USE

**DECLARATION OF MARK A. EMALFARB UNDER 37 CFR §1.132**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir,

I, Mark A. Emalfarb, declare that:

1. I am the Mark A. Emalfarb who is listed as an inventor of the above-referenced patent application.
2. I am the Chief Executive Officer and President of CPN International, Ltd., Inc., and the Chief Executive Officer and President of AARL Inc., both of Jupiter, Florida.
3. CPN International, Ltd., Inc., and AARL Inc. both have an interest in the manufacture and/or marketing of the cellulases which are the subject of the above-referenced application, or of products which incorporate these cellulases.
4. I have been involved in the textile and garment stonewashing industry for approximately fifteen years, and have sold in excess of \$50 million worth of products to this industry, principally pumice, enzymes, and other textile processing chemicals.
5. I am making this declaration in support of the allowance of the above-referenced patent application.

6. A *Chrysosporium* neutral/alkaline cellulase which is the subject of the above-referenced patent application was introduced into commerce by CPN International, Ltd., Inc. and AARL Inc. in January of 1997.

7. In 1997, which was the first year these products were on the market, CPN International, Ltd., Inc. and AARL Inc. together sold in excess of two million dollars' worth of textile and garment washing products which incorporate the *Chrysosporium* neutral/alkaline cellulase. The *Chrysosporium* neutral/alkaline cellulase is the sole cellulase component of these products, and a significant portion of these products consist for the most part solely of the *Chrysosporium* neutral/alkaline cellulase.

8. Sales growth at the end of 1997 was at an annual rate such that sales in excess of four million dollars are projected for 1998 for the above products.

9. Since 1995, AARL, Inc. has manufactured, and AARL Inc. and CPN International, Ltd., Inc. have marketed, traditional acid cellulases to the textile and garment stonewashing industries. Additionally, CPN International, Ltd., Inc. has been purchasing and reselling neutral and traditional acid cellulases for approximately ten years.

10. The market price per pound of the *Chrysosporium* neutral/alkaline cellulase in 1997 was greater than twice the price per pound of the traditional competing acid cellulases.

11. The greater price per pound commanded by neutral/alkaline cellulases in the marketplace is a consequence of superior performance, and not merely a consequence of a greater specific activity. A dollar's worth of a traditional acid cellulase will not perform as well as a dollar's worth of the *Chrysosporium* neutral/alkaline cellulase, in terms of retained color shade, contrast, backstaining, and loss of fiber strength, when both enzymes are used under manufacturers' recommended conditions.

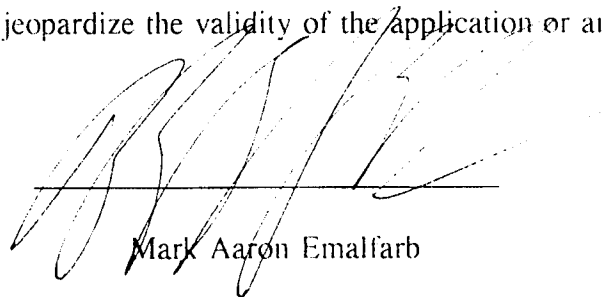
12. CPN International, Ltd., Inc., has entirely substituted the *Chrysosporium* neutral/alkaline cellulase for a *Humicola insolens* neutral/alkaline cellulase (Denimax XT, from Novo Nordisk), in 100% of CPN's products, and this substitution has reduced CPN's costs while providing equivalent or superior performance of the products.

13. The introduction of said *Chrysosporium* neutral/alkaline cellulase into commerce has enabled both AARL, Inc. and CPN International, Ltd., Inc. to significantly grow their businesses worldwide.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made by information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4-3-98

By:



Mark Aaron Emalfarb